IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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C.W.P NO.14461 OF 2006

Date of decision : September 21, 2006

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Kanwaljeet Kaur .....Petitioner

Vs.

Panjab University & another .....Respondents

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CORAM: HON'BLE MR. JUSTICE VINEY MITTAL
HON'BLE MR. JUSTICE H.S BHALLA

Present: Mr. Sudhir Aggarwal, Advocate for the petitioner(s).
Mr. Atul Nehra, Advocate for respondent no.1.
Mr. Sameer Sachdeva, Advocate for respondent no.2.

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Viney Mittal, J. (Oral)

The petitioner has approached this Court by challenging the communication dated August 4, 2006 (Annexure P-8) whereby the name of the petitioner has been struck off the rolls of the Institute from ***B.Sc Nursing (Post Basic)*** from 3rd Semester Course, on account of her absence from classes after the summer vacation. The petitioner has averred that she had been falsely implicated in a criminal case by her in laws and as such was arrested and was granted bail only on August 5, 2006. On account of the aforesaid fact, the petitioner maintains that her absence from the classes was not intentional and in fact was beyond her control.

We have perused the averments made in the petition. We have also perused the order dated August 5, 2006 (Annexure P-7). We are

satisfied that the averments made in the petition are correct and the absence of the petitioner from the classes was for the reasons beyond her control.

In this view of the matter, we dispose of the present petition with a direction to respondent no.2-National Institute of Nursing Education, Postgraduate Institute of Medical Education and Research, Chandigarh to forward the case of the petitioner to the respondent-University with a recommendation that her absence be duly condoned. We have no doubts that on receipt of such recommendation from the Institute, the respondent-University shall take appropriate action in accordance with law keeping in view the facts and circumstances of the present case. Necessary process in this regard shall be initiated by respondent no.2 within a period of one week from the date a certified copy of this order is received. Thereafter, the respondent-University shall take appropriate action within further period of 2 weeks on the receipt of the aforesaid recommendation.

Copy of the order be given dasti on payment of the usual charges.

(VINEY MITTAL)
JUDGE

September 21, 2006
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(H.S BHALLA)
JUDGE